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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,808

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Richard E. Rowe

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EXAMINER

PINHEIRO, JASON PAUL

ART UNIT

PAPER NUMBER

3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,808	Applicant(s) ROWE ET AL.	
	Examiner Jason Pinheiro	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. After the amendment filed on 12/22/2008, Claims 14, 28-29 and 35 were amended. Therefore, claims 1-12, 14-26 and 28-38 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 14-26 and 28-38 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Paulsen (US 2002/0142846) in view of Lark et al (US 2002/0142825).

Regarding claim 1: Paulsen discloses a network server comprising a network server controller comprising a processor and a memory operatively coupled to said processor (paragraph [0015]), said network server controller being programmed to: receive request data relating to a request for a game (paragraph [0015]), receive preference data relating to preferences of a first player (paragraph [0015]), receive game characteristics data relating to game characteristics of a plurality of available games (paragraph [0016] – paragraph [0018]), select a game from said plurality of available games by comparing said preferences of said first player to said game characteristics of said plurality of available games (paragraph [0015] – paragraph [0016]), provide said selected

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game in response to said request (paragraph [0015] – paragraph [0016]), a gaming apparatus operatively coupled to said network server (paragraph [0011]), said gaming apparatus comprising: a display unit capable of generating video images (paragraph [0011]), a value input device (paragraph [0003]) and a gaming apparatus controller comprising a processor and a memory operatively coupled to said processor (paragraph [0011]), said gaming apparatus controller being programmed to: provide said network server with said request data (paragraph [0011]), receive game selection data relating to said selected game (paragraph [0011]), cause said display unit to generate a game display relating to said selected game (paragraph [0011]), determine a value payout associated with an outcome of said selected game (paragraph [0004]). However Paulson does not disclose selecting an available game by comparing said first player preferences to preferences of a second player.

Lark '825 discloses selecting an available game by comparing said first player preferences to preferences of a second player (paragraph [0124]).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Lark into the teachings of Paulsen in order to provide gaming machines which maintain and increase game playing interest and also reduce a frequency of rearrangement of gaming machines on the casino floor (Lark, paragraph [0010]).

Regarding claim 2: Paulsen further discloses that the network server is further programmed to suggest said game which has been selected from said plurality of available games (paragraph [0072]).

Regarding claims 3, 14, 28 and 35: Paulsen discloses that which is disclosed above. However, Paulsen does not disclose that said network server controller is programmed to select an available game by comparing said first player preferences to preferences of said second player and selecting a game associated with said second player.

Lark '825 discloses selecting a game associated with said second player (paragraph [0124]).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Lark into the teachings of Paulsen in order to provide gaming machines which maintain and increase game playing interest and also reduce a frequency of rearrangement of gaming machines on the casino floor (Lark, paragraph [0010]).

Regarding claims 4, 15 and 29: Paulsen further discloses that said second player preferences comprise preferences of said demographic of said second player (paragraph [0012]).

Regarding claims 5, 16, 30 and 36: Paulsen further discloses that said network server controller is programmed to select an available game by comparing a game previously played by said first player to said plurality of available games (paragraph [0011]).

Regarding claims 6, 17 and 37: Paulsen further discloses that said network server controller is programmed to provide previous game data relating to a game previously played by said first player to said gaming apparatus (paragraph [0011]), wherein said gaming apparatus controller is programmed to cause said display unit to generate a game display relating to said previously played game (paragraph [0011]).

Regarding claims 7, and 18: Paulsen further discloses that said gaming apparatus controller is programmed to provide said network server controller with a player identification (paragraph [0067]), wherein said network server controller is programmed to receive player profile data relating to a player profile associated with said player identification, said player profile data comprising said first player preferences (paragraph [0011] – paragraph [0012]).

Regarding claims 8, 19 and 38: Paulsen further discloses that said network server controller is programmed to select a game characteristic from a plurality of game characteristics based upon said first player preferences to provide a game characteristic selection comprising said selected game characteristic (paragraph [0011]), wherein said gaming apparatus controller is programmed to cause said display unit to generate a game characteristic selection display relating to said game characteristic selection (paragraph [0033]), wherein said gaming apparatus controller is programmed to implement a game characteristic from said game characteristic selection in said selected game (paragraph [0011]).

Regarding claims 9 and 22: Paulsen further discloses that which is discussed above. Paulsen further discloses that said controller is programmed to cause said display unit to generate a game display relating to one of the following games: a game from said game selection, poker, blackjack, slots, keno or bingo (paragraph [0013]).

Regarding claim 10: Paulsen further discloses that said display unit comprises a video display unit that is capable of generating video images (paragraph [0013]).

Regarding claim 11: Paulsen further discloses that said controller is programmed to cause a video image comprising an image of at least five playing cards to be displayed if said game comprises video poker, wherein said controller is programmed to cause a video image comprising an image of a plurality of simulated slot machine reels to be displayed if said game comprises video slots, wherein said controller is programmed to cause a video image comprising an image of a plurality of playing cards to be displayed if said game comprises video blackjack, wherein said controller is programmed to cause a video image comprising an image of a plurality of keno numbers to be displayed if said game comprises video keno, wherein said controller is programmed to cause a video image comprising an image of a bingo grid to be displayed if said game comprises video bingo (paragraph [0013]).

Regarding claim 12: Paulsen further discloses that said display unit comprises at least one mechanical slot machine reel (paragraph [0090]).

Regarding claims 20 and 32: Paulsen further discloses that said gaming apparatuses are interconnected to form a network of gaming apparatuses (paragraph [0062], Fig. 2).

Regarding claim 21: Paulsen further discloses that said gaming apparatuses are interconnected via the Internet (paragraph [0062], Fig. 2).

Regarding claim 23: Paulsen further discloses that said game characteristics comprise payout tables (paragraph [0013]).

Regarding claim 24: Paulsen further discloses that said game characteristics comprise game themes (paragraph [0013]).

Regarding claim 25: Paulsen further discloses that said game characteristics comprise a minimum bet (paragraph [0013]).

Regarding claim 26: Paulsen further discloses that said game characteristics comprise a game type (paragraph [0013]).

Regarding claim 27: Paulsen further discloses that said controller is programmed to select a game characteristic by comparing said first player preferences to said player preferences (paragraph ([0124])).

Regarding claim 31: Paulsen further discloses that said controller is programmed to select a game from a plurality of available games based upon said first player preferences to provide a game selection (paragraph [0015] – paragraph [0016]), wherein said controller is programmed to cause said display unit to generate a game selection display relating to said game selection (paragraph [0033]), wherein said controller is programmed to cause said display

unit to generate a game display relating to a game from said selection of games (paragraph [0011]).

Regarding claim 33: Paulsen further discloses receiving identification data relating to the identity of a first player (paragraph [0067]); receiving player profile data relating to a player profile associated with said player identity, said player profile comprising preference data relating to preferences of said first player (paragraph [0011] – paragraph [0012]); selecting a game from a plurality of available games based upon said first player preferences to provide a game selection (paragraph [0011]); causing a game selection display relating to said game selection comprising said selected game to be generated (paragraph [0033]); causing a game display of one of the following games to be generated: a game from said game selection, poker, blackjack, slots, keno or bingo (paragraph [0013]); and determining a value payout associated with an outcome of said game represented by said video image (paragraph [0004]).

Regarding claim 34: Paulsen further discloses that said network server controller is programmed to receive game characteristics data relating to game characteristics of said plurality of available games, wherein said network server controller is programmed to select an available game by comparing said first player preferences to said game characteristics (paragraph [0016] – paragraph [0018]).

Response to Arguments

4. Applicant's arguments filed 12/22/2008 have been fully considered but they are not persuasive.
5. Regarding applicant's arguments that neither Paulsen nor Lark teaches selecting a game by comparing said preferences of said first player with a set of preferences of a second player. The Examiner must respectfully disagree, Lark discloses that the preferences of the player wishing to play are compared with the current configuration of the gaming device (paragraph [0118]), Lark also discloses that a second player's preferences can be loaded onto the gaming device (paragraph [0124]).
6. Regarding applicant's arguments that neither Paulsen nor Lark teaches selecting a game characteristic...based upon said first player preferences and based upon a demographic of a second player. The Examiner must respectfully disagree, Paulsen discloses selecting a game characteristic...based upon a first player preference (paragraph [0015] – paragraph [0016]) and based upon a demographic of a player (Paulsen discloses selecting games based on user preferences and that the user information may include demographic information) (paragraph [0012]).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/

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Supervisory Patent Examiner, Art
Unit 3714

/J. P./

Examiner, Art Unit 3714